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RUEHFK/AMCONSUL FUKUOKA PRIORITY 6842  
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RUEHNH/AMCONSUL NAHA PRIORITY 9225  
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 0509  
RUEHKSO/AMCONSUL SAPPORO PRIORITY 7438  
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UNCLAS SECTION 01 OF 02 TOKYO 000820

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SUBJECT: CHILD PORNOGRAPHY IN JAPAN: THE AMBASSADOR,S MARCH  
19 MEETING WITH THE HEAD OF KOMEITO

REF: TOKYO 0694

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¶1. Summary: Something must be done to save children who are being abused everyday for child pornography, the Ambassador told Komeito Chief Representative Akihiro Ota on March 19. Questions about possible human rights abuses if simple possession is criminalized are not as important as preventing the abuse that is occurring right now. Arguments about possible abuses are theoretical, agreed Ota. Children with futures are being damaged right now. Once these children are saved, then society can address any problems with police abuse of power, Ota said. End Summary.

¶2. Child pornography is a terrible crime that is occurring not only in Japan, but also in the United States and across the world, the Ambassador told Komeito Chief Representative Akihiro Ota during a March 19 meeting. Unlike prostitution, gambling, or drug abuse, which are described as victimless crimes, there is always a victim in child pornography. A child doesn't have the legal capacity to give consent. One of the crime's most heartbreaking aspects is that a record of the abuse exists for the rest of the victim's life. The United States and Japan should work together to address this terrible crime, the Ambassador asserted. Although some people are concerned that criminalizing simple possession might give the police too much power, child abuse is occurring now as a result of child pornography. It's not a question of abuse that might occur in the future. If governments don't take action, this abuse will continue, the Ambassador added.

¶3. "I feel the same way - the same sense of crisis," said Ota. Dietmembers with legal backgrounds fear possible abuses of police power or of the freedom of speech, but children with futures are being damaged right now. Governments must rescue these children first, and then address human rights issues. This prioritization is important, said Ota. Japan must face the fact in a "candid and honest way" that it and Russia are the only two G8 countries where it is legal to

possess this material. It is possible to protect civil liberties and protect children, replied the Ambassador. As other G8 countries have done, the Diet can come up with legislation that will protect both children and the rights of individuals.

¶4. After the embarrassment of being singled out in the 1996 Stockholm Conference as a "major" country for child pornography, passing the child pornography law in 1999 was a positive step, said Komeito Upper House member Toshiko Hamayotsu. She added her thanks to the Ambassador for his advocacy on this matter with the Minister of Justice (reftel) and with other members of the Diet. Even though many lawmakers who participated in drafting the 1999 law wanted to criminalize simple possession, they allowed a compromise on the issue to ensure the bill would pass. As a result, Japan is now a major child pornography exporter. Japan should also criminalize child pornography anime (cartoons) and manga (comics), stated Hamayotsu.

¶5. It is important to recognize that there is a difference between anime and manga and child pornography that involves real children, the Ambassador responded. It is most important to criminalize the possession of child pornography involving real children, but the U.S. position is that anime and manga with child pornographic images should be also criminalized. When people engaging in deviant behavior see this material, it encourages them to do more deviant things by making them feel that their behavior is normal. The internet has the same effect by allowing people who view child pornography to meet and connect with people like them. The U.S. government applauds the 1999 legislation passed in Japan, but subsequent expansion of the internet has caused an explosion in this activity, the Ambassador pointed out.

¶6. During a March 18 meeting with members of the Democratic Party of Japan (DPJ), some DPJ members stated that they could

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never support criminalizing simple possession because they would lose the support of the police and of anime/manga publishing companies, reported Komeito Councilor Akira Matsu.

In Japan, there is a tendency to differentiate between reality and the theoretical, added Ota, suggesting that the DPJ position is based on the latter. Human rights issues like freedom of speech are important, but expanding rights from the child's point of view is the direction that Japan must choose, said Ota.

¶7. "I couldn't agree more," the Ambassador answered. The United States faced a similar issue when outlawing "snuff films" that depicted a person's death. No one was talking about freedom of expression at that time because killing a person is a crime. Child pornography is the same: the crime begins when the material is made, and persons who possess the material are legally liable for aiding and abetting the crime. The United States and Japan must make it known that the children of every country are suffering. Noting that some DPJ Diet members had told him how important the child pornography issue is to them, the Ambassador told Ota that he plans to meet with members of the DPJ, and asked if Ota and his colleagues had any other meeting recommendations.

Hamayotsu suggested that the Ambassador meet with DPJ Representative Edano, who is one of the proposed revision's most vocal opponents, as well as the leadership of the Japan Federation of Bar Associations, which actively opposes any action that could be seen to be infringing on the rights of the individual.

¶8. People who oppose criminalizing simple possession are most likely the minority among the Japanese public, noted Komeito Representative Kaori Maruya. The "silent majority" of Japanese would probably support criminalization, but they are not aware of the problem. The more we can cooperate, the more we can make them aware, the Ambassador replied. No mother or father would want their child to suffer this kind

of abuse, and neither the United States nor Japan has the kind of civilization that can allow it to continue. Although some will raise legal questions about ways to protect rights and prevent police abuse, these are discussions about what might happen if the laws pass. Children are being abused today and will be abused tomorrow, and if we don't do something about it, "it is on all of our consciences," the Ambassador concluded.

SCHIEFFER